

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 7 PROCEEDING
)
ENRIQUE MONTANO,) CASE NO. 20 B 14690
)
DEBTOR.) HON. JANET S. BAER
) (KANE)

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, October 23, 2020, at 11:00 a.m.**, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and the **Motion of the United States Trustee for an Extension of Time to Object to Discharge and to File Motion to Dismiss**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Jeffrey S. Snell

Jeffrey S. Snell, Trial Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
Telephone: (312) 886-0890

CERTIFICATE OF SERVICE

I, Jeffrey S. Snell, an attorney, state that on October 13, 2020, pursuant to Local Rule 9013-1(D) the **Notice of Motion** and **Motion of The United States Trustee for an Extension of Time to Object to Discharge or to File Motion To Dismiss** were filed and served on all parties, either via the Court's Electronic Notice for Registrants or via U.S. First Class Mail, as indicated below.

/s/ Jeffrey S. Snell

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants:

- **Manuel A. Cardenas** manuelantonio_cardenas@yahoo.com, manuel@manuelcardenas.law
- **Gina B Krol** gkrol@cohenandkrol.com, gkrol@ecf.axiosfs.com;gkrol@cohenandkrol.com;acartwright@cohenandkrol.com;jneiman@cohenandkrol.com
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov
- **Josephine J Miceli** Jo@johnsonblumberg.com
- **Jeffrey Snell** jeffrey.snell@usdoj.gov

Parties Served via First Class Mail:

See Exhibit A Declaration of Mailing/Certificate of Service

Enrique Montano
640A Rance Rd
Oswego, IL 60543

Enrique Montano
690 North Ohio
Aurora, IL 60505

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MOTION OF THE UNITED STATES TRUSTEE FOR AN EXTENSION OF TIME TO OBJECT TO DISCHARGE AND TO FILE MOTION TO DISMISS

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois, by his attorney, Jeffrey S. Snell, and pursuant to 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004(b), hereby requests this Court to grant an extension of time to object to the discharge of Enrique Montano (the “Debtor”), and to file a motion dismiss the Debtor’s case for abuse pursuant to 11 U.S.C. § 707(b) and Fed. R. Bankr. P. 1017(e)(1). In support of this request, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to Internal Operating Procedure 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. On July 28, 2020, the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On or about that same day, Gina Krol was appointed Chapter 7 Trustee in the Debtor’s case.

3. The Debtor’s Schedule E/F reflects \$286,124.28 in unsecured debt and includes individuals who gave the Debtor deposits for roofing services that have not been completed.

4. The last date to object to the Debtor’s discharge or to file a motion to dismiss his

case under § 707 is currently set for October 23, 2020.

5. On September 18, 2020, an Order Granting Motion for Rule 2004 was granted by the Court (See Dkt. 13). On September 29, 2020, the U.S. Trustee sent a subpoena to the Debtor asking him to provide certain documentation by October 28, 2020.

6. The U.S. Trustee is examining the Debtor's petition, schedules, statement of financial affairs and testimony at the 341 Meeting in order to evaluate whether there may be a basis to object to the Debtor's discharge under § 727 of the Bankruptcy Code or file a motion to dismiss the Debtor's case pursuant to § 707.

WHEREFORE, the U.S. Trustee requests this Court to extend the date to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) and for filing a motion to dismiss the Debtor's case under § 707(b) to and including January 21, 2021, and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: October 13, 2020

By: /s/ Jeffrey S. Snell
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United States Department of Justice
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